

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

<b>FREE SPEECH COALITION, INC., et al.</b>	)	<b>CASE NO. 2:09-4607</b>
	)	
Plaintiffs,	)	<b>JUDGE MICHAEL M. BAYLSON</b>
	)	
-vs-	)	
	)	<b>PLAINTIFFS' PROPOSED FORM OF</b>
<b>THE HONORABLE LORETTA LYNCH,</b>	)	<b>JUDGMENT</b>
Attorney General,	)	
	)	
Defendant.	)	

Pursuant to this Court's order of December 14, 2016 (Doc. 240), Plaintiffs submit the following proposed form of judgment:

**JUDGMENT**

On June 8, 2016, the Third Circuit Court of Appeals vacated the judgment of this Court (Doc. 230) and remanded the case for entry of judgment in favor of Plaintiffs on their facial challenge to parts of 18 U.S.C. § 2257 and 18 U.S.C. § 2257A and to 28 C.F.R. § 75.5 under the Fourth Amendment *Free Speech Coalition, Inc. v. Attorney General of United States of America*, 825 F.3d 149 (3rd Cir. 2016). The Government filed a petition for rehearing and rehearing en banc, which was denied on August 11, 2016. The mandate issued thereafter. The matter is now before this Court.

The Court, therefore, enters a declaratory judgment in favor of Plaintiffs and against Defendant and hereby declares that 18 U.S.C. § 2257 (f)(5), 18 U.S.C. § 2257A (f)(5), as well as the portions of 18 U.S.C. § 2257 (c) and 18 U.S.C. § 2257A (c) that require recordkeepers to "make such records available to the Attorney General for inspection at all reasonable times," and 28 C.F.R. § 75.5 are facially unconstitutional under the Fourth Amendment.

**BY THE COURT:**

January \_\_, 2017

\_\_\_\_\_  
**MICHAEL M. BAYLSON, U.S.D.J.**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 28, 2016, the foregoing was filed electronically. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ J. Michael Murray

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